

PROB 12C
(7/93)

Report Date: December 4, 2014

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 04 2014

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Shawn W. Fitzgerald

Case Number: 2:12CR02057-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: May 16, 2003

Original Offense: Unlawful Possession of Access Devices, 18 U.S.C. § 1029(a)(3)

Original Sentence: Prison - 105 months
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Benjamin David Seal

Date Supervision Commenced: November 20, 2013

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires: May 19, 2015

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 & 2

Mandatory Condition: The defendant shall not commit another Federal, state, or local crime.**Mandatory Condition:** The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.**Supporting Evidence:** On, December 4, 2014, the undersigned officer received an NCIC hit on Mr. Fitzgerald, in reference to him being arrested on December 3, 2014. According to the Spokane County Jail website, Mr. Fitzgerald is being held on a third degree assault domestic violence (DV) charge. On December 4, 2014, the undersigned officer received the police report from the above-referenced arrest that detailed the actions taken by Mr. Fitzgerald, based on witness and victim testimony. According to a witness, Mr. Fitzgerald punched the victim in the face and body area approximately three times. According to the victim, Mr. Fitzgerald pushed her to the ground while pushing on the door in an attempt to lock her out, picked up her cell phone and threw it at her hitting her in the mouth. Upon arriving on the scene, law enforcement documented that they heard Mr. Fitzgerald state something along the lines of "I'm done" and "You're lucky I don't beat your ass right now."

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During the contact law enforcement noted that the victim had fresh blood on her hands, shirt and upper lip, which was cut open. Law enforcement also observed drops of blood in the residence from the living room to the bedroom and observed a cell phone lying in the middle of the floor. Law enforcement officers determined there to be probable cause to arrest Mr. Fitzgerald for assault third degree domestic violence, and to later charge him for malicious mischief domestic violence. During the interview with law enforcement officers Mr. Fitzgerald admitted that he had lost his job on Monday (December 1, 2014), and had relapsed and used methamphetamine on Tuesday (December 2, 2014).

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

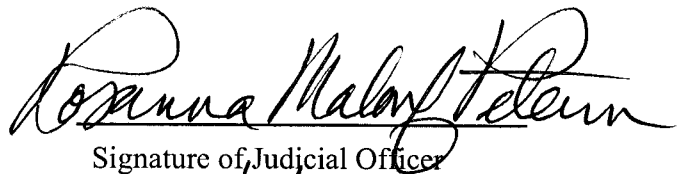
Executed on: 12/4/2014

s/Chris Heinen

Chris Heinen
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

12/4/14
Date